GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

UNSTARRED QUESTION NO:195
ANSWERED ON:25.04.2016
IPR Issues
Senguttuvan Shri Balasubramaniam

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether any foreign country has placed India on the "Priority Watch list" due to its perceived unfavourable Intellectual Property Rights (IPR) Regime in the country particularly the pharmaceutical sector and if so, the details thereof;

(b) whether the Government has any proposal to amend section 3 of Indian Patent Act in order to facilitate the placing of some restrictions on incremental innovations by some foreigners and if so, the details thereof; and

(c) the steps taken/proposed to be taken by the Government to protect domestic pharmaceutical sector from pressure exerted by the foreign countries?

Answer

???????? ??? ?????? ???????????? (????????? ??????)(??????? ??????? ???????)
THE MINISTER OF STATE (INDEPENDENT CHARGE)
OF THE MINISTRY OF COMMERCE & INDUSTRY
(SHRIMATI NIRMALA SITHARAMAN)

(a): Yes. India continues to be placed on the Priority Watch List under the US Special 301 on account of USA's assessment of Indian IPR protection being inadequate. The Special 301 Report issued by the United States under their Trade Act of 1974 is a unilateral measure to create pressure on countries to enhance IPR protection beyond the TRIPS agreement. Under the WTO regime, any dispute between two countries needs to be referred to the Dispute Settlement Body of the WTO and unilateral actions are not tenable under this regime. Special 301 which is an extra territorial application of the domestic law of a country is inconsistent with the established norms of the WTO.

(b): No, Madam.

(c): The government is committed to fully utilizing all the flexibilities provided under the TRIPS agreement to protect domestic pharmaceutical sector from pressure exerted by the foreign countries. In this regard, it is also to be mentioned that FDI is permitted in the brownfield Pharma sector through government approval route only.

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